

REMARKS

This Amendment is responsive to the Office Action dated December 19, 2008. Applicant has amended claims 4 and 42. Claims 4, 7, 42, 83 and 84 are pending.

Claim Rejection Under 35 U.S.C. § 112, Second Paragraph

In the Office Action, the Examiner rejected claims 4, 7, 42, 83 and 84 under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More particularly, the Examiner stated that claims 4 and 42 omitted the step of selecting a part of the displayed human body, as performed by a user, which the Examiner argued was “essential.”

Applicant respectfully traverses this rejection, to the extent it is considered applicable to the amended claims. Applicant has amended claims 4 and 42 for purposes of clarification. Amended claim 4 recites that the selection is made by a user of the device, and is of a part of the diagram representing the at least a portion of the human body. Claim 42 has been similarly amended. Applicant submits that the amended claims particularly point out and distinctly claim the subject matter which Applicant regards as the invention, as required by 35 U.S.C. 112, second paragraph, and respectfully requests that this rejection be withdrawn.

Interview Summary

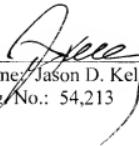
Applicant thanks the Examiner for discussing the application with Applicant’s representative (Jason D. Kelly, Reg. No. 54,213) via telephonic interview on March 25, 2009. Applicant’s representative and the Examiner discussed possible claim amendments to overcome the current rejection under section 112, second paragraph. The Examiner agreed that claim amendments as presented in this Amendment would overcome the current rejection under section 112, second paragraph.

No prior art was discussed, and no exhibits presented, during this telephonic interview.

CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:
March 31, 2009
SHUMAKER & SIEFFERT, P.A.
1625 Radio Drive, Suite 300
Woodbury, Minnesota 55125
Telephone: 651.286.8347
Facsimile: 651.735.1102

By: 
Name: Jason D. Kelly
Reg. No.: 54,213